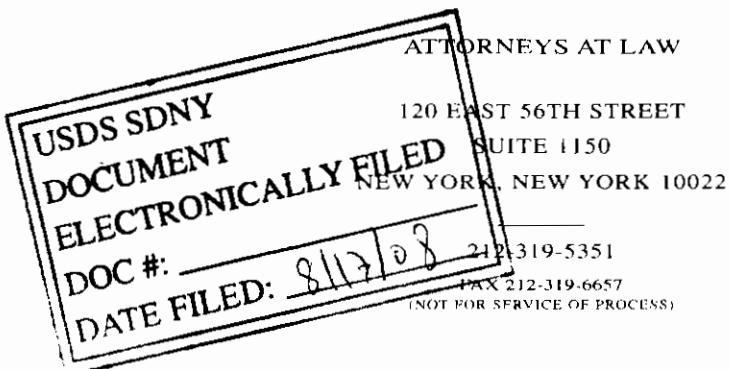
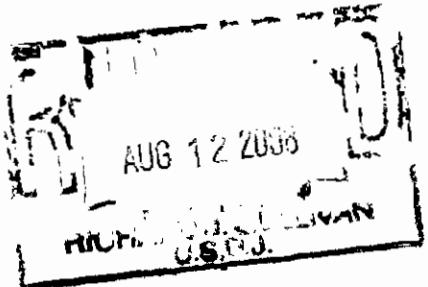


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NICOLE NECKLES

August 11, 2008



VIA FEDERAL EXPRESS

Hon. Richard J. Sullivan
United States District Court
Southern District of New York
500 Pearl Street, Room 615
New York, New York 10007

Re: United States v. Alberto William Vilar,
No. 05 Cr. 621 (RJS)

Dear Judge Sullivan:

On August 7, 2008, this Court issued an order authorizing the Defendants to travel to London to attend depositions sought by the government. The order provides, in part, that the government shall return the Defendants' passports to them for the limited purpose of completing the travel described therein. The release of Alberto Vilar's passport is contingent upon the defense submitting affidavits from suretors and/or co-signers indicating that they consent to the bail modifications.

We are in the process of obtaining the affidavits required by the Court and copies of three affidavits are submitted with this letter. This includes an affidavit from Walter Pfaeffle, against whom the government has confessions of judgments totaling \$3.4 million. However, since the other affidavits must be obtained from out of state -- including Puerto Rico -- this is a very time consuming process.

It is imperative that we receive Alberto Vilar's passport as soon as possible because it expired during the three-year period it has been held by the prosecution. As a consequence, we have to apply to renew Mr. Vilar's passport. Since the application process is substantially expedited by the inclusion of an expired passport, we most respectfully request the release of Mr. Vilar's passport at this time.

I represent, as an officer of the Court, that I will not release the expired passport to Mr. Vilar. Instead, it will be submitted directly to the State Department when my office files the passport renewal application. Assistant United States Attorney Marc Litt does not have any objection to the release of Alberto Vilar's expired passport under these conditions.

The defense reaffirms its objections to the taking of any depositions in England and joins in all arguments raised by co-Defendant Gary Tanaka in this respect. In light of the government's desire to conduct these depositions in just three weeks, time is of the essence. The Court's consideration in this regard is deeply appreciated.

Respectfully submitted,

Herald Price Fahringer, Esq.

Cc: VIA FACSIMILE

AUSA Marc O. Litt, Esq.

Glenn C. Colton, Esq.

U.S. Pretrial Services Officer Leo Barrios

Enclosures

SO ORDERED:

Richard J. Sullivan, U.S.D.J.

Dated: 8/12/08